

EXHIBIT 1

to

DEFENDANT

BUILD OUR CENTER'S MOTION TO DISMISS

Case No. 3:24-cv-00526

Drew Ribar

Plaintiff,
vs.

*WASHOE COUNTY, NEVADA; WASHOE COUNTY
LIBRARY SYSTEM; BUILD OUR CENTER, INC.; JEFF
SCOTT; STACY MCKENZIE; JONNICA BOWEN;
LIBRARY EMPLOYEE DOE # 1; JENNIFER COLE;
DEPUTY C. ROTHKIN (Badge No. 4696); DEPUTY R.
SAPIDA (Badge No. 4663); SGT. GEORGE GOMEZ
(Badge No. 4066); and JOHN/JANE DOES 1-10;
Defendants.*

DECLARATION OF STACY SPAIN
IN SUPPORT OF BUILD OUR CENTER'S MOTION TO DISMISS

I, STACEY SPAIN, state under penalty of perjury as follows:

1. I am over the age of twenty-one (21) years and competent to testify regarding the matters asserted herein which are based upon my own personal knowledge.

2. I am the Executive Director of Build Our Center. I have personal knowledge of the matters set forth herein and am competently testify thereto, expect those matters stated on information and belief, and those I believe to be true.

3. Build Our Center is a Nevada nonprofit corporation that provides a safe, empowering, and supportive center for the Northern Nevada LGBTQ+ community by proving community building, arts and culture programming, and inclusive activities.

4. Build Our Center is not Washoe County, the City of Reno, the State of Nevada, the Washoe County Library (the "Library"), or a local government agency.

5. Build Our Center, a small Nevada Nonprofit, was founded in 2009 when locals started fundraising to establish a LGBTQIA+ community center in Reno, Nevada.

6. After several years of active fundraising, Build Our Center opened a community center to support a variety of programs for LGBTQIA+ locals.

7. Build Our Center hosts the yearly Northern Nevada Pride Festival, and the center offers a full calendar of community meetings and events.

8. Additionally, the center also offers drug and alcohol prevention, recovery, and mental health services.

1 **9.** Build Our Center hosts a variety of programs and events such as Senior
2 Coffee Time, Out and Sober AA meetings, Women Encouraging Women (Al-Anon),
3 Queer Student Union, Knit Happens, and a book and writing club.

4 **10.** Build Our Center was not hired by the City of Reno, Washoe County,
5 or the State of Nevada (collectively referred to herein as the "Government") to
6 host the Washoe County Library's Drag Queen Story Hour.

7 **11.** Build Our Center was not hired by the Government to police any
8 government events or Drag Queen Story Hour.

9 **12.** Build Our Center was not hired or given authority by the
10 Government to ensure participants' safety at Drag Queen Story Hour.

11 **13.** Build Our Center does not hold elections, govern any aspect of the
12 Government, or control a company town.

13 **14.** Build Our Center does not have authority to determine who may
14 have access to Library events.

15 **15.** Build Our Center does not have authority to ban citizens from any
16 Government property or buildings.

17 **16.** Build Our Center does not have authority to remove citizens from
18 any Government property or buildings.

19 **17.** Build Our Center does not have authority to demand the
20 identification of citizens at Government events.

21 **18.** Build Our Center does not have authority to impose restrictions on
22 citizens on Government property or in Government buildings.

23 **19.** Build Our Center has no authority to determine who is blocked from
24 the Library's social media.

25 **20.** At all relevant times herein, the Government did not delegate any
26 authority to Build Our Center.

27 **21.** Build Our Center did not assault Mr. Ribar.
28

22. Build Our Center did not restrict Mr. Ribar from any Library or other Government events.

23. Build Our Center did not ban or remove Mr. Ribar from the Library or any other government property or buildings.

24. Build Our Center did not demand to see Mr. Ribar's identification.

25. Build Our Center did not impose any restrictions on Mr. Ribar at any government events.

26. Build Our Center did not block Mr. Ribar from the Library's social media.

27. Build Our Center did not assert authority as an arm of the Government over Mr. Ribar.

28. The Government did not compel Build Our Center to engage in the purported misconduct against Mr. Ribar.

29. This testimony is made for and in support of Build Our Center's *Motion to Dismiss* (the "Motion") filed in the Proceeding concurrent herewith.

30. I have read the Motion, am familiar with its contents, and can state that, based upon my personal knowledge, all factual matters set forth therein are true.

31. If I were to give testimony in open court concerning any statement contained in this affidavit, it would be substantively the same as that set forth above.

I declare under penalty of perjury under the laws of the United States of America and the State of Nevada that the foregoing is true and correct.

Executed on December 30, 2024.

STACEY SPAIN